

REMARKS/ARGUMENTS

In response to the rejection of Claims 3 and 13 under 35 U.S.C. 112, these claims have been canceled and the dependency of Claims 4 and 14 revised appropriately.

Each of the independent claims has been amended to define the "transaxle" limitation with greater particularity. On page 4 of the specification, the "transaxle" is defined as either a hydrostatic or gear type transaxle such as disclosed in U.S. Patents Nos. 5,392,603 and 5,211,067. The specification has been amended to incorporate additional disclosure from these two patents, which were incorporated by reference in the application as filed.

The primary reference cited by the Examiner is U.S. Patent No. 3,780,834, Lottridge et al, which discloses a braking mechanism attached to an axle extension 22 that forms part of the axle assembly of a vehicle. However, the axle assembly is not a "transaxle" as defined in the present application because it does not include a selectable speed change mechanism and a gear reduction unit driven thereby, both of which are contained within the transaxle casing. A transaxle is a specific drive mechanism typically utilized in lawn and garden implements and is unitary in construction so that it can be dropped in place on the implement frame, such as the frame of a riding lawn mower.

Because Lottridge et al does not disclose a "transaxle" as defined, it is submitted that Claims 1, 2, 4-8, 10 and 17-19 are not anticipated thereby.

Nor would it be obvious to combined Lottridge et al with any other of the cited references, including the '067 and '603 patents incorporated by reference in the present application. As it quite clear from the existing prior art, such as the aforementioned incorporated patents, the state of the art for vehicles of the type in question is not to brake the axles themselves but rather brake an internal shaft within the transaxle unit. The advantages to the claimed invention are set forth in detail on pages 2 and 3 of the specification and result in a unitary transaxle/brake mechanism wherein the braking is applied directly to the axles rather than to the upstream rotating shaft within the transaxle.

Lottridge et al would not render it obvious to move the braking mechanism from the transaxle countershaft, for example, to the axles themselves because Lottridge et al is clearly related to a large vehicle construction, such as for automobiles and trucks where the axle unit containing the differential is clearly separate from and driven by an elongate driveshaft that is in turn connected to the transmission. In fact, it is not at all clear that the axle assembly of Lottridge et al '834 even includes a differential.

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For the reasons set forth above, it is submitted that the claims define the invention with sufficient particularity that the same would be neither anticipated nor rendered obvious by the prior art of record. It is requested that the rejections be withdrawn and that the application be passed to issue.

It is requested that the Examiner telephone the undersigned at 260-460-1692 if such would be of assistance in expediting prosecution of the application.

Respectfully submitted,

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JOHN F. HOFFMAN, REG. NO. 26,280

Name of Registered Representative

Signature

December 4, 2003

Date